

40



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,738	11/04/2003	Goran Rydenfors	003301-094	6405
21839	7590	11/30/2004		
BURNS DOANE SWECKER & MATHIS L L P				
POST OFFICE BOX 1404				
ALEXANDRIA, VA 22313-1404				
			EXAMINER	
			DESAI, ANAND U	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,738	RYDENFORS, GORAN	
	Examiner	Art Unit	
	Anand U Desai, Ph.D.	1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040421</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. The priority date is November 15, 2002.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on April 21, 2004 is being considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the dried collagen casing" in 3rd line of the claim. There is insufficient antecedent basis for this limitation in the claim. Suggest, "a non-edible dried collagen casing."
6. In claims 4, 10, 11, and 12, it is not clear what the "material having a good barrier properties" is describing. What is the material? What are considered to be good barrier properties?
7. Claim 5 recites the limitation "reinforced non-edible collagen casing" in 1st line of the claim. There is insufficient antecedent basis for this limitation in the claim. Suggest, "a non-edible dried collagen casing."

Art Unit: 1653

8. Claims 2-3, 5-9, and 13-16 are rejected for depending on a rejected claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 4, 5, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanchez, J. et al. EP1018301 A1 (Publication date=July 12, 2000). Sanchez, J. et al. teach a process for manufacturing a ready-to-stuff non-edible collagen casing. The process comprises soaking the non-edible collagen casing in an aqueous salt solution, which concentration is between 5% and 25% during a period of time between 2 seconds and 60 seconds (see page 9, claim 7, current application, claims 1, 2, and 10). The casing is subsequently vacuum packed (see page 10, claim 14, current application, claim 4). Sanchez, J. et al. also teaches the non-edible collagen casing (see page 9, claim 1, current application, claims 5, and 13).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1653

12. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez, J. et al. EP1018301 A1 (Publication date=July 12, 2000) in view of Chandler et al. U.S. Patent 4,463,026 and Hauksson U.S. Patent 6,685,978 B1 (Effective filing date=April 4, 2000).

Sanchez, J. et al. teach a process for manufacturing a ready-to-stuff non-edible collagen casing. The process comprises soaking the non-edible collagen casing in an aqueous salt solution, which concentration is between 5% and 25% during a period of time between 2 seconds and 60 seconds (see page 9, claim 7). The casing is subsequently vacuum packed (see page 10, claim 14). Sanchez, J. et al. also teaches the non-edible collagen casing (see page 9, claim 1). Sanchez, J. et al. does not specifically disclose the use of an aqueous solution that contains at least two salts.

Chandler et al. teaches an aqueous solution suitable for wet curing of meat products. The aqueous solution includes a mixture of salts selected from the group consisting of sodium chloride and potassium chloride (see U.S. Patent '026, claim 1). Hauksson discloses equivalent functional characteristics of the salts, sodium chloride, potassium chloride, calcium chloride, sodium phosphate, and potassium phosphate (see U.S. Patent '978, claim 13). One would have been motivated to treat a non-edible collagen casing with an aqueous solution containing salts to manufacture a casing with the appropriate moisture content for stuffing. Therefore, it would have been obvious to the person having ordinary skill in the art to treat the non-edible collagen casing with an aqueous solution containing at least two salts and then vacuum pack the casing (current application, claims 1-16).

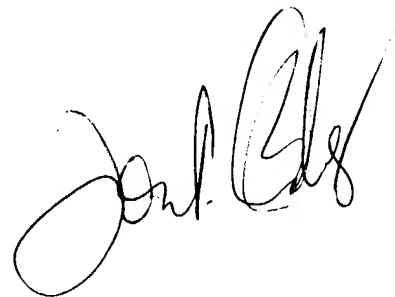
Art Unit: 1653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand U Desai, Ph.D. whose telephone number is (571) 272-0947. The examiner can normally be reached on Monday - Friday 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (517) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 26, 2004



JON WEBER
SUPERVISORY PATENT EXAMINER